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MARCH 26, 2020

VIA ECF

Hon. James Orenstein, U.S.M.J.
Eastern District of New York
United States Courthouse
225 Cadman Plaza East, Room 1227 South
Brooklyn, New York 11201

Re: Michael Grecco Prods., Inc. v. Alamy Inc., Case No. 18 Civ. 3260 (PKC) (JO)

Dear Judge Orenstein:

Pursuant to Your Honor's Individual Rule II.A, undersigned counsel for defendant Alamy Inc. ("US Alamy") and defendant Alamy Ltd. ("UK Alamy," together with US Alamy, the "Defendants") and counsel for plaintiff Michael Grecco Productions, Inc. ("MGP"), respectfully submit this joint letter to request an extension of the deadline for "[a]ll discovery, including all expert disclosures under Rule 26(a)(1)" from April 6, 2020 to July 1, 2020. *See* Dkt. No. 67 (Amended Case Management and Scheduling Order (the "Order"), dated November 11, 2019).

Under Section V.c of the Order, a request for an extension of any deadline submitted less than 30 days before that deadline will not be granted "absent extraordinary circumstances." *Id.* Given the unprecedented COVID-19 crisis, the mandates that counsel work from home, the various travel bans, and the delays that are necessitated by all parties' cooperation with federal and state efforts to combat this crisis, we believe such "extraordinary circumstances" are present.

Since the issuance of the Order, the parties have diligently and cooperatively engaged in discovery. Both parties served and responded to discovery demands, and document productions have been produced on a rolling basis. Given that both parties are based outside New York (MGP, in California, and UK Alamy, in the United Kingdom), we anticipate that the requested extension will allow both parties to obtain the discovery necessary to litigate the case on the merits in light of the current circumstances, including, but not limited to, access to documents responsive to certain discovery requests, depositions, and any expert reports that may follow. Pursuant to the current stay-at-home orders applicable in the relevant jurisdictions (UK, California, New York and Massachusetts (Plaintiff's lead counsel's home state)), the parties and their counsel are not permitted to take the actions necessary to complete discovery by the current deadline, such as hold or attend a deposition at counsel's offices, or access non-electronic and remotely available documents in their office files, or utilize counsel's office space to perform the necessary steps to complete full document production, such as copying, printing, redaction and/or scanning of documents.

Both parties consent to this request – which is the first request for an adjournment of the deadline identified above – and remain committed to working cooperatively to navigate the discovery



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PAGE 2

process given the current challenges. If the adjournment is granted, we jointly propose the following upcoming deadlines (which will be impacted if the adjournment is granted):

Pretrial Conference (*ex parte* statements of settlement position due via email two business days in advance): July 15, 2020, at 10:30 a.m.

Dispositive motion process started by: July 29, 2020

Joint pretrial order due by: August 28, 2020

We thank the Court for its continued attention to this matter.

Respectfully submitted,

/s/ Nancy E. Wolff
Nancy E. Wolff

cc: All counsel of record (via ECF)